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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/977,686

Applicant(s)

NARDONE ET AL.

Examiner

Victor Lesniewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 3/21/2005 has been placed of record in the file.
2. Claims 1-20 have been amended.
3. Claims 21-31 have been added.
4. Claims 1-31 are now pending.
5. The applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

6. Independent claims 1, 15, and 20 have been amended to show the synchronization being initiated by the remote device. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state that the synchronization is initiated by the remote device executing said synchronization instruction. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alam et al. (U.S. Patent Number 6,324,544), hereinafter referred to as Alam, in view of Huang et al. (U.S. Patent Number 6,553,375), hereinafter referred to as Huang.

9. Alam disclosed a method for synchronizing file objects in object stores between a mobile device and a host computer. In an analogous art, Huang disclosed a synchronization technique for distributing applications and databases from a server computer to handheld devices.

10. Concerning claims 1, 15, and 20, Alam did not explicitly state the synchronization being initiated between the remote device and the host device by the remote device executing the synchronization instruction. However, Huang discloses this feature as his system begins synchronization by allowing the client to request application downloads. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Alam by adding the ability to initiate synchronization by the remote device executing the synchronization instruction as provided by Huang. Here the combination satisfies the need for improved efficiency of bandwidth and time usage during the synchronization process. See Huang, column 2, line 47 through column 3, line 2.

11. Concerning claims 21, 26, and 27, Alam did not explicitly state an initial step of selecting from a personal data assistant which files on the personal data assistant to synchronize with a remote computer. However, Huang discloses this feature as his system allows the user to select applications for download whose status is stored on an application list at the client. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Alam by adding the ability to select from a personal data assistant which files on the personal data assistant to synchronize with a remote computer as provided by Huang.

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Again the combination satisfies the need for improved efficiency of bandwidth and time usage during the synchronization process. See Huang, column 2, line 47 through column 3, line 2.

12. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an apparatus are rejected under the same rationale applied to the described claim.

13. Thereby, the combination of Alam and Huang discloses:

- <Claim 1>

A method of reconciling data between a host device and a remote device connected to the host device, comprising: commencing execution of an application on said remote device (Alam, column 10, lines 44-52); executing a synchronization instruction from said application (Alam, column 10, lines 53-62 and column 12, lines 15-26); and synchronizing data over a wireless connection stored in said remote device with data stored in said host device (Alam, column 13, lines 6-17 and column 5, lines 36-52); wherein synchronization is initiated between said remote device and said host device by said remote device executing said synchronization instruction (Huang, column 4, lines 13-37).

- <Claim 2>

The method of claim 1, further comprising establishing a communication link between said host device and said remote device for synchronizing said data (Alam, column 5, lines 35-52).

- <Claim 3>

The method of claim 1, further comprising: launching a first synchronization process on said remote device in response to said executing a synchronization instruction (Alam, figure 6, item 140); and launching a second synchronization process on said host device in response to said executing a synchronization instruction (Alam, figure 6, item 148).

- <Claim 4>

The method of claim 3, wherein said synchronizing is performed by said first synchronization process and said second synchronization process (Alam, column 13, lines 38-49).

- <Claim 5>

The method of claim 4, wherein said executing a synchronization instruction further comprises executing from the application a synchronization instruction having at least one parameter (Alam, column 10, lines 9-23).

- <Claim 6>

The method of claim 5, wherein said at least one parameter identifies data for synchronization (Alam, column 11, lines 44-61).

- <Claim 7>

The method of claim 6, wherein the identified data includes data stored in at least one database in said remote device that is synchronized with data stored in an associated database in said host device (Alam, column 10, lines 53-62).

- <Claim 8>

The method of claim 5, wherein said at least one parameter includes a control parameter identifying an application to perform a next instruction after executing said synchronization instruction (Alam, column 10, lines 36-43).

- <Claim 9>

The method of claim 5, wherein said step of executing a synchronization instruction further comprises: extracting said at least one parameter from said synchronization instruction; and storing said at least one parameter in memory in said remote device (Alam, column 12, lines 48-67).

- <Claim 10>

The method of claim 9, wherein said executing a synchronization instruction further comprises: retrieving said stored at least one parameter from said memory; and executing from said application said synchronization instruction with said retrieved at least one parameter (Alam, column 12, line 67 through column 13, line 17).

- <Claim 11>

The method of claim 1, wherein said executing a synchronization instruction from said application further comprises executing said synchronization instruction in response to an event (Alam, column 10, lines 44-52).

- <Claim 12>

The method of claim 11, wherein said event comprises selecting a button or icon displayed by said application on said remote device (Alam, column 9, lines 14-22).

- <Claim 13>

The method of claim 11, wherein said event comprises selecting a menu item displayed by said application on said remote device (Alam, column 9, lines 14-22).

- <Claim 14>

The method of claim 11, wherein said event comprises one of selecting a form and closing a form displayed on said remote device (Alam, column 8, lines 9-14).

- <Claim 15>

A system comprising: a remote device comprising at least one first database (Alam, figure 1, items 12, 20, and 22); and a host device connected to said remote device over a wireless connection and including at least one second database (Alam, figure 1, items 14, 32, and 34 and column 5, lines 36-52); wherein said remote device is configured to execute a synchronization instruction for synchronizing said at least one first database and said at least one second database, and said synchronize instruction is executed from an application running on said remote device (Alam, column 10, lines 53-62; column 12, lines 15-26; and column 13, lines 6-17); and wherein synchronization is initiated between said remote device and said host device by said remote device executing said synchronization instruction (Huang, column 4, lines 13-37).

- <Claim 16>

The system of claim 15, wherein said remote device further comprises: a runtime engine executing said application (Alam, figure 1, item 24); and a memory storing a program file received from said host device, said program file including said synchronization

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instruction executed by said remote device (Alam, column 4, line 43 through column 5, line 11 and column 8, lines 34-49).

- <Claim 17>

The system of claim 16, wherein said runtime engine is configured to retrieve said synchronization instruction from said program file and execute said synchronization instruction (Alam, column 12, line 48 through column 13, line 17).

- <Claim 18>

The system of claim 17, wherein a first synchronization process is launched on said remote device and a second synchronization process is launched on said host device for synchronizing in response to said execution of said synchronization instruction (Alam, figure 6, items 140 and 148).

- <Claim 19>

The system of claim 17, wherein said host device further comprises an integrated design environment configured to generate said application and said program file, said application and said program file being downloaded to said remote device from said host device through a communication link (Alam, column 5, lines 28-52).

- <Claim 20>

A data synchronization system comprising: a host computer including an integrated design environment (Alam, figure 1, item 14), a first plurality of databases (Alam, figure 1, items 32 and 34), and at least one application (Alam, figure 1, item 30), wherein said host computer is configured to generate said at least one application and a program file including instructions executed with said application (Alam, column 5, lines 28-34); and

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a portable remote computer connected to said host computer through a wireless connection (Alam, figure 1, item 12 and column 5, lines 36-52), said portable remote computer comprising a runtime engine (Alam, figure 1, item 24) and a second plurality of databases (Alam, figure 1, items 20 and 22); wherein said portable computer is configured to receive said at least one application and program file from said host computer (Alam, column 5, lines 28-52), and said runtime engine is configured to initiate said at least one application and a synchronization instruction in said program file for synchronizing at least one database in said second plurality of databases with at least one associated database from said first plurality of databases (Alam, column 10, lines 53-62; column 12, lines 15-26; and column 13, lines 6-17 and Huang, column 4, lines 13-37); and wherein synchronization is initiated between said portable remote computer and said host computer by said portable remote computer executing said synchronization instruction (Huang, column 4, lines 13-37).

- <Claims 21, 26, and 27>

A method of synchronizing data between a personal data assistant and a remote computer, comprising: selecting from said personal data assistant which files on said personal data assistant to synchronize with said remote computer (Huang, column 5, lines 51-64); establishing wireless communications between said personal data assistant and said remote computer (Alam, column 10, lines 53-62; column 12, lines 15-26; and column 5, lines 36-52); and synchronizing data between said personal data assistant and said remote computer (Alam, column 13, lines 6-17).

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- <Claims 22 and 28>

The method of synchronizing data between a personal data assistant and a remote computer according to claim 21, wherein: said synchronizing is performed over a wireless connection (Alam, column 5, lines 36-52).

- <Claims 23 and 29>

The method of synchronizing data between a personal data assistant and a remote computer according to claim 21, wherein: said synchronizing synchronizes a first database on said personal data assistant with a second database on said remote computer (Alam, column 10, lines 53-62).

- <Claims 24 and 30>

The method of synchronizing data between a personal data assistant and a remote computer according to claim 21, further comprising: selecting a button or icon displayed by an application on said personal data assistant (Alam, column 9, lines 14-22).

- <Claims 25 and 31>

The method of synchronizing data between a personal data assistant and a remote computer according to claim 21, further comprising: selecting a menu item displayed by an application on said personal data assistant (Alam, column 9, lines 14-22).

Since the combination of Alam and Huang discloses all of the above limitations, claims 1-31 are rejected.

Conclusion

14. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER